IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

WEDNESDAY, THE 31ST JANUARY 2007 / 11TH MAGHA 1928

CRP.No. 1987 of 1999(F)

SM.916/76(1) of TALUK LAND BOARD, PALAKKAD
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REVN. PETITIONERS:
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1. Pazani Ammal, W/o. Pazaniappa Naiker,
Kolayakode in Pudussery West Village, Palakkad.

2. Sivashanmugham, S/o. Pazaniappa Naiker, Kolayakode in Pudussery West Village, Palakkad.

BY ADV. SRI.N.N.SUGUNAPALAN

RESPONDENTS:
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1. Taluk Land Board, Palakkad.

2. Tahsildar, Palakkad.

3. State of Kerala, represented by its Chief Secretary to Government, Secretariat, Trivandrum.

BY GOVERNMENT PLEADER SHRI. M.R. SABU

THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD ON 31/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Order on C.M.P.No.4122/99 in CRP No.1987/99

Dismissed.

31/1/2007 Sd/- Antony Dominic,Judge.

Antony Dominic, J.

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C.R.P.No.1987 of 1999

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Dated this the 31st day of January, 2007.

ORDER

This revision petition is filed against the order dated 17.7.1999 rendered by the Chairman, Taluk Land Board, Palakkad. Among other issues that are dealt with, one relates to the contentions of the petitioners that an extent of 3.24 acres of land in Sy.No.312 was not in their possession and they held only 2.52 acres. During the pendency of the proceedings before the Taluk Land Board it would appear from the files that an application dated 18.11.1998 was made requiring the Taluk Land Board to call for the report from the Authorised Officer on the issues mentioned therein. In the application, among other, the petitioners have stated that an extent of 72 cents out of 3.24 acres in R.S.No.312 is held by strangers, that they held only 2.52 acres and that a report in this behalf should be sought for from the Authorised Officer. On behalf of the respondents, the Government Pleader also submitted that on the facts and circumstances detailed above, the Taluk Land Board is required to deal with the petition dated 18.11.1998 and proceed with the matter further. Although a petition

was filed as noted above, it is stated that without passing any order thereon, the claim was negatived by the Taluk Land Board vide the impugned order. The impugned order also does not refer to the application made by the petitioners nor does it say that any order had been passed thereon. On the facts and circumstances of the case, I am of the view that the Taluk Land Board has not adverted to the complaint of the petitioners and proceeded to reject the claim.

2. In the aforesaid circumstances, I set aside the order of the Taluk Land Board dated 17.7.1999 and direct the Taluk Land Board to consider the petition dated 18.11.1998 filed by the petitioners in so far as it relates to 3.24 acres of land in R.S.No.312 alone and to proceed with the matter afresh from that stage. I clarify that the direction made above concerns only the dispute regarding 3.24 acres in R.S.No.312 alone and in all other respects, the order of the Taluk Land Board will remain undisturbed.

Civil Revision Petition is disposed of as above.

Antony Dominic
Judge.

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